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Paper No. 4

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OFFICE OF PETITIONS

In re Application of	:	
Andrew L. Pearlman	:	DECISION DISMISSING
Application No. 09/995,217	:	PETITION
Filed: November 27, 2001	:	
Attorney Docket No. 701030-15	:	

This is a decision on the petition filed March 5, 2002, requesting that the above-identified application be accorded a filing date of November 27, 2001, with Figures 4 and 5A as part of the original disclosure.

On November 27, 2001, applicant filed the above-identified application. However, on January 30, 2002, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)," stating that a filing date had been assigned in the application; however, Figures 4 and 5A described in the specification appeared to be omitted from the application.

In response, on March 5, 2002, applicant filed the present petition, the petition fee, and a copy of page 5/24 consisting of Figures 4 and 5A. Applicant stated that a total of 24 sheets of drawings were filed, including page 5 which contained Figures 4 and 5A, as evidenced by the enclosed date-stamped postcard receipt. Applicant submitted a copy of the date-stamped postcard receipt, indicating 24 sheets of drawings were filed on November 27, 2001.

A review of the record reveals that applicant did indeed file 24 sheets of drawings. However, the sheets of drawing contained duplicates of Figure 3B (page 4/24) with the application papers on November 27, 2001. Because Figures 4 and 5A were not present on November 27, 2001, the date the application was filed, Figures 4 and 5A cannot be considered a part of the original disclosure of the application. Accordingly, the application cannot be accorded the filing date of November 27, 2001, with the drawings of Figures 4 and 5A as a part of the original disclosure.

Accordingly, the petition is dismissed.

Figures 4 and 5A, submitted with the present petition on March 5, 2002, will not be entered or used during the prosecution of this application. However, applicants may resubmit the matter included in Figures 4 and 5A as an amendment for consideration by the examiner under Section 608.04 of the Manual of Patent Examining Procedure.

Any request for reconsideration should be filed within **TWO (2) MONTHS** of the date of this decision in order to be considered timely. 37 CFR 1.181(f). This time period may not be extended pursuant to 37 CFR 1.136.

Further correspondence with respect to this matter should be addressed as follows and directed to the **Attention of Christina Tartera Donnell, Office of Petitions:**

By mail: Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By FAX: (703) 308-6916
 Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite CP4-3C23
 2201 South Clark Place
 Arlington, VA 22202

The application file will be forwarded to the Office of Initial Patent Examination for further processing with a filing date of November 27, 2001, using only the 24 sheets of drawings submitted on that date, and indicating in the Office records that 24 sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Christina Tartera Donnell at (703) 306-5589.

Christina Tartera Donnell

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